IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Mat. Appeal.No. 297 of 2005

OP. 393/2001 of FAMILY COURT, KOTTAYAM
.....

APPELLANT/PETITIONER:

REJI.M.K., S/O.KORA,
AGED 35 YEARS, MALAYIL HOUSE,
PATHAMUTTAMKARA, PANACHIKADU VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.TOMY SEBASTIAN
SRI.SANTHAN V.NAIR

RESPONDENTS/ RESPONDENTS:
----

1. **SUNI, D/O.THOMAS.K.T.,**
   AGED 27 YEARS, KUNNUKANDATHIL HOUSE,
   KUTTOORKARA, KUTTOOR P.O., THIRUVALLA.

2. **SHAJI CHACKO, S/O.CHACKO,**
   CHEERAMVELIL HOUSE, THOLASSERI P.O.,
   THOLASSERIKKARA.

BY ADV. SRI. D. SAJEEV
SMT. S.B. JAYARESMI

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

Mat. Appeal No. 297 OF 2005

AND

I.A. NO. 2404 OF 2007

Dated this the 18th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed by the petitioner-husband in O.P. No. 393/2001 on the file of the Family Court, Kottayam, under Section 10 of the Indian Divorce Act wherein the petitioner sought for a decree of dissolution of marriage. The Family Court declined the relief and hence the appeal.

2. During the pendency of the appeal, the appellant and the respondent have filed a petition under Section 10A of the Indian Divorce Act 1869 for dissolution of marriage by mutual consent. Parties are also present. We spoke to the parties. We are convinced that there is no collusion and that in the facts and circumstances of the case they are entitled to have a decree dissolving their marriage on mutual consent. I.A. No. 2404/2007 is the petition filed under Section 10A of the Indian Divorce Act.

In the above circumstances, we allow the petition and issue a decree declaring that the marriage between the petitioner-appellant and first respondent is dissolved with effect from today, the 18th of October 2007. I.A. No. 2404/2007 is ordered accordingly and the appeal is disposed of.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp